

Appl. No. 09/980,155
Amdt. Dated 2/24/04
Reply to office Action of Feb. 17, 2004

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The claims are 14-26. The Examiner has rejected claims 14-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5 and 11-17 of U.S. Patent No. 6,579,977 in view of U.S. Patent No. 5,698,265 to Mucalo et al.

The rejection is respectfully traversed.

The Examiner has stated that the Terminal Disclaimer submitted on November 18, 2003 does not comply with 37 CFR 1.321(b) and/or (c). Applicants submit herewith a substitute Terminal Disclaimer which supercedes and replaces the Terminal Disclaimer submitted on November 18, 2003. The Terminal Disclaimer filed herewith includes a recitation that any patent granted on the present application shall be enforceable only for and during such period that legal title to said patent is the same as legal title to U.S. Patent No. 6,579,977.

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Applicants believe that the enclosed Terminal Disclaimer complies with 37 CFR 1.321 and overcomes the obviousness-type double patenting rejection. Accordingly, Applicants submit that the present amendment places claims 14-26 in condition for allowance and respectfully request early allowance of the remaining claims.

Respectfully submitted,

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Enclosures: Terminal Disclaimer
ECR:EJC

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP AF, Commissioner for Patents, U.S. PTO, P.O. Box 1450, Alexandria, VA 22313-1450, on February 24, 2004.


Ingrid Mittendorf

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